

### REMARKS

The Office examined claims 1-15 and rejected claims 4-15. Claims 1-3 are allowed. With this paper, claim 11 is amended, and no claims are added or cancelled so that claims 1-15 remain in the application.

#### Telephone Interview with Examiner

In a telephone interview with Examiner Pitaro on September 26, 2008, the Examiner indicated that the claim rejections under 35 USC §101 could be overcome by amending the specification to include specific examples of computer readable storage structures, such as RAM, CD-ROM, floppy disk, etc., in order to make clear that the computer readable storage structures of the claimed invention are distinct from transmission or communication media, such as carrier waves, which do not fall in a statutory category. Consequently, applicant has amended the specification herein to incorporate the Examiner's suggestions for overcoming the rejection.

#### Objections to the Specification

At section 3 of the Office action, the Office objects to the specification for failing to provide proper antecedent basis for the claimed subject matter, in particular the claim terminology "computer readable media" lacks antecedent basis in the specification. Applicant has amended claim 11, which is the sole claim containing the phrase "computer readable media," to read "computer-readable storage structure embodying computer program code." The language of the amended claim is directly supported in the specification as originally filed at page 13, lines 19-25. Applicant respectfully submits that the amendment to claim 11 overcomes the objection and therefore applicant requests that the objection to the specification be reconsidered and withdrawn.

#### Claim Rejections under 35 USC §101

At sections 4-5 of the Office action, claims 14-15 are rejected under 35 USC 101 as being directed to non-statutory subject matter. Of these, claims 5 and 11 are independent claims.

As discussed above and suggested by the Examiner, applicant has amended the specification beginning at page 13, line 11 to read:

The invention has been described in terms (primarily) of the steps of a method. The invention also comprehends an apparatus for performing the above described steps. Thus, for each step described above, there can be a corresponding module of an apparatus, although it is also possible for the functionality for performing more than one of the above-described steps to be incorporated into a single module. Such modules may be implemented as hardware, or may be implemented as software or firmware for execution by a processor. In particular, in the case of firmware or software, the invention is provided as a computer program product including a computer readable storage structure embodying computer program code--i.e. the software or firmware--thereon for execution by a computer processor provided with the communication or computing terminal 10. The computer readable storage structures and computer program code may be those specially designed and constructed for the purposes of the invention, or they may be of the kind well known and available to those having skill in the computer software arts. Examples of computer readable storage structures include, but are not limited to: magnetic media such as hard disks, floppy disks, and magnetic tape; optical media such as CD-ROMs and holographic devices; magneto-optical media such as floptical disks; and hardware devices that are specially configured to store and execute program code, such as application-specific integrated circuits ("ASICs"), programmable logic devices ("PLDs") and ROM and RAM devices. Examples of computer program code include machine code, such as produced by a compiler, and files containing higher-level code that are executed by a computer using an interpreter. The computer readable storage structures (also referred to as computer readable media) described herein are different from communication media, which typically embody data in a modulated data signal such as a carrier wave, propagated signal or other transport mechanism. [Emphasis added]

As amended, the specification provides an explicit and deliberate definition of the terminology "a computer readable storage structure" and also clearly distinguishes "a computer readable storage structure" from communication media (i.e. propagation and transmission media), which are not a manufacture within the meaning of 101. Applicant has amended the specification to include specific examples of computer readable storage structures (such as CD-ROMs) in contrast to examples of communication media (such as carrier waves). Applicant submits that no new matter has been introduced by way of amendment as the definitions/examples inserted in the specification are commonly known to persons of ordinary skill in the art. Consequently, the specification, as amended, provides the necessary support to overcome the 35 USC §101 rejection, therefore applicant respectfully requests that the rejection of claims 14-15 be reconsidered and withdrawn.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Respectfully submitted,



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